

AMENDED IN ASSEMBLY APRIL 5, 2010

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2208**

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**Introduced by Assembly Member Torres**

February 18, 2010

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An act to amend Section 290.015 of, and to add Section 290.96 to, the Penal Code, relating to sex offenders.

LEGISLATIVE COUNSEL'S DIGEST

AB 2208, as amended, Torres. Sex offenders: social networking prohibition.

Existing law requires persons who have been convicted of specified crimes, and other persons as required by a court, to register as a sex offender. Existing law sets forth the procedure for doing so and provides that a violation of the sex offender registration law is a crime, punishable as specified.

This bill would, in addition, make it a misdemeanor for any person required to register as a sex offender to use any Internet social ~~network~~ *networking* Web site, as defined. *The bill would authorize the person to seek an exception to the prohibition for legitimate professional purposes by applying through the appropriate parole or probation supervising agency when that person is on parole or probation or by applying through the Department of Justice when that person is not on parole or probation. Approval would be valid for one year, unless revoked. The bill would authorize an annual application for renewal.* By creating a new crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 290.015 of the Penal Code is amended  
2 to read:

3 290.015. (a) A person who is subject to the Act shall register,  
4 or reregister if the person has previously registered, upon release  
5 from incarceration, placement, commitment, or release on probation  
6 pursuant to subdivision (b) of Section 290. This section shall not  
7 apply to a person who is incarcerated for less than 30 days if he  
8 or she has registered as required by the Act, he or she returns after  
9 incarceration to the last registered address, and the annual update  
10 of registration that is required to occur within five working days  
11 of his or her birthday, pursuant to subdivision (a) of Section  
12 290.012, did not fall within that incarceration period. The  
13 registration shall consist of all of the following:

14 (1) (A) A statement in writing signed by the person, giving  
15 information as shall be required by the Department of Justice and  
16 giving the name and address of the person's employer, and the  
17 address of the person's place of employment if that is different  
18 from the employer's main address.

19 (B) The statement shall include a notice that the person is  
20 prohibited from using any Internet social-network~~work~~ networking Web  
21 site pursuant to Section 290.96.

22 (2) The fingerprints and a current photograph of the person  
23 taken by the registering official.

24 (3) The license plate number of any vehicle owned by, regularly  
25 driven by, or registered in the name of the person.

26 (4) Notice to the person that, in addition to the requirements of  
27 the Act, he or she may have a duty to register in any other state  
28 where he or she may relocate.

29 (5) Copies of adequate proof of residence, which shall be limited  
30 to a California driver's license, California identification card, recent

1 rent or utility receipt, printed personalized checks or other recent  
2 banking documents showing that person's name and address, or  
3 any other information that the registering official believes is  
4 reliable. If the person has no residence and no reasonable  
5 expectation of obtaining a residence in the foreseeable future, the  
6 person shall so advise the registering official and shall sign a  
7 statement provided by the registering official stating that fact.  
8 Upon presentation of proof of residence to the registering official  
9 or a signed statement that the person has no residence, the person  
10 shall be allowed to register. If the person claims that he or she has  
11 a residence but does not have any proof of residence, he or she  
12 shall be allowed to register but shall furnish proof of residence  
13 within 30 days of the date he or she is allowed to register.

14 *(6) All e-mail addresses and Internet identifiers that the person*  
15 *currently uses or will use, within five days of establishing a new*  
16 *account.*

17 (b) (1) Within three days thereafter, the registering law  
18 enforcement agency or agencies shall forward the statement,  
19 fingerprints, photograph, *e-mail addresses, Internet identifiers,*  
20 and vehicle license plate number, if any, to the Department of  
21 Justice.

22 *(2) The Department of Justice may release e-mail addresses of*  
23 *Section 290 registrants to Internet social networking Web sites to*  
24 *allow those Internet Web sites to conduct searches and purges of*  
25 *those e-mail addresses and users from their Internet Web sites,*  
26 *provided that the Internet social networking Web sites share all*  
27 *lists of purged e-mail addresses with the Department of Justice*  
28 *who can then report noncompliant registrants to the appropriate*  
29 *authorities.*

30 SEC. 2. Section 290.96 is added to the Penal Code, to read:

31 290.96. (a) Any person who is required to register under the  
32 ~~act~~ *Sex Offender Registration Act* shall be prohibited from using  
33 any Internet social-network networking Web site.

34 (b) Any person who violates this section is guilty of a  
35 misdemeanor punishable by imprisonment in a county jail for not  
36 exceeding six months, by a fine not exceeding one thousand dollars  
37 (\$1,000), or by both that imprisonment and fine.

38 ~~(c) For the purposes of this section, "social network Web site"~~  
39 ~~means any Internet Web site designed with the intent of allowing~~

~~users to build networks or connect with other people and that provides means for users to interact over the Internet.~~

*(c) (1) Any person who is required to register pursuant to the Sex Offender Registration Act and who seeks an exception to the prohibition to use an Internet social networking Web site for legitimate professional purposes may apply for an exception to the prohibition through the appropriate parole or probation supervising agency when that person is on parole or probation. Approval shall be valid for one year unless revoked by the supervising agency with notice to the person required to register. The person may apply to renew the exception annually.*

*(2) Any person who is required to register under the Sex Offender Registration Act, who is not on parole or probation, and who seeks an exception to the prohibition to use an Internet social networking Web site for legitimate professional purposes may apply for an exception to the prohibition through the Department of Justice. Approval shall be valid for one year unless revoked by the department with notice to the person required to register. The person may apply to renew the exception annually.*

*(d) For the purposes of this section, "Internet social networking Web site" is defined as an Internet Web site that does all of the following:*

*(1) Allows users, through the creation of Internet Web pages or profiles or by other means, to provide information about themselves that is available to the public or to other users.*

*(2) Offers a mechanism for communication with other users where those users are likely to include a substantial number of minors.*

*(3) Has as its primary purpose the facilitation of online social interactions.*

SEC. 3. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within

1 the meaning of Section 6 of Article XIII B of the California  
2 Constitution.

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